

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

LARRY L. WALKER and wife, )  
CYNTHIA WALKER, )  
Plaintiffs, )  
v. ) No.: 3:07-CV-377  
LOUISVILLE LADDER, INC., ) (VARLAN/SHIRLEY)  
Defendant. )

**ORDER**

This civil action is before the Court on the plaintiffs' Supplemental Motion Pursuant to Rule 32 to Prove Exceptional Circumstances Thus Allowing the Plaintiffs to Use the Videotaped Deposition of Dr. Michael McCollum. [Doc. 70.] Plaintiffs based this request on the "exceptional circumstance" that Dr. McCollum will be on a family vacation from February 24, 2009, through March 2, 2009. Plaintiffs have filed an affidavit in support of the motion.

The Court finds that plaintiffs have sufficiently established "exceptional circumstances" as to Dr. McCollum. Thus, Plaintiffs' Supplemental Motion Pursuant to Rule 32 to Prove Exceptional Circumstances Thus Allowing the Plaintiffs to Use the Videotaped Deposition of Dr. Michael McCollum [Doc. 70] is well-taken, and it is hereby **GRANTED**. Plaintiffs shall be allowed to use the videotaped deposition of Dr. Michael McCollum at trial.

IT IS SO ORDERED.

s/ Thomas A. Varlan  
UNITED STATES DISTRICT JUDGE